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ABSTRACT

This workbook is the first in a series devoted to all areas of charter-school development. It addresses the logistics of starting a school, such as drafting a charter, creating a vision and mission, accessing expert information, navigating the application process, acquiring a facility, establishing a legal entity, and contracting for services. The text is divided into six sections. Chapter one focuses on getting started, the stages of charter-school development, and offers three different perspectives of charters. Chapter two explores ways to develop a vision and mission and discusses the tools that will be needed to sustain the vision. The next chapter looks at strategies for establishing the core founding group, required skill areas, skills inventory, characteristics of core founding groups, and how to access experts. Chapter four examines aspects of application and renewal, including state-specific requirements and characteristics of a great application. Facilities and financing are discussed in chapter five along with the development of a needs assessment and how to identify possible sites. The last chapter details some of the many legal issues that confront charter founders and describes the various types of legal status and the need to establish tax-exempt recognition. (RJM)

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Charter Starters

Leadership
Training Workbook 1

Start-Up Logistics

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Charter Starters
Leadership Training
Workbook 1

Start-Up Logistics

Rural Education Program
Dr. Joyce Ley, Director

July 1999

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Preface

The Charter Starters Workbook series provides material and resources in all areas of charter school development. The material is based on five core content areas, and each workbook in the series is meant to stand alone:

- **Workbook 1: Start-Up Logistics**—drafting a charter, creating a vision and mission, developing a core founding group, accessing expert information, navigating the application process, acquiring a facility, allocating resources, establishing a legal entity, and contracting for services
- **Workbook 2: Regulatory Issues**—special education requirements, civil rights regulations, federal and state laws and regulations, and requirements for parent involvement
- **Workbook 3: Assessment and Accountability**—academic accountability, fiscal accountability, public/parental accountability, rule compliance, assessment and evaluation, financial management, developing a business plan, and how vision and mission connect with assessment and accountability
- **Workbook 4: Governance and Management**—creating an organizational structure, establishing strong leadership, handling personnel issues, developing internal policies, creating a board and board bylaws, managing growth, and dealing with liability issues
- **Workbook 5: Community Relations**—coordinating public relations, marketing the school, and dealing with controversy

The workbooks are targeted toward both charter school founders/developers and charter school trainers. Although originally designed as the training material for a five-day training academy, each workbook is relatively self-contained. This workbook contains information on start-up logistics.

Two precautions:

1. *The information that is provided in this workbook is not intended to be prescriptive. We encourage charter school founders to be creative and to innovate as they develop unique schools that serve the needs of their communities.*
2. *All information contained in this workbook should be considered as informational only and should not substitute for legal advice. We recommend that charter school developers obtain legal counsel whenever appropriate. We also advise that materials in this workbook, whenever possible, be tailored according to state specifications; the information in the workbook is not state-specific.*

Conventions and features used in the series

Resource tools follow each subsection of each workbook. These tools fall into five categories: activities, samples, checklists, detailed information, and resources. References to tools within workbooks are labeled with icons so you can easily identify each tool's category.

Tools labeled	Are
	Activities to help you actually begin working on ideas and solutions.
	Sample forms/policies for you to use as examples in making your own forms and policies.
	Checklists to help you keep track of what's done and what you still need to work on.
	Detailed information on a particular issue, such as a matrix, list of addresses, or federal regulation.
	Resources that list places to go for more information, including the Internet.

NWREL staff are available to provide assistance and direction in using the workbooks to develop training sessions for charter school developers. This includes providing training based on workbooks and/or providing assistance in finding expert trainers for specific topics. Additional questions, comments, or recommendations regarding the information in the workbook series are welcome and can be addressed to the Rural Education Program (phone: 1-800-547-6339, ext. 546; e-mail: ruraled@nwrel.org).

Reality Check: The Adventure Begins

Getting Started

Creating a charter school is an exciting project. It can be both overwhelming and greatly rewarding. This workbook series is designed to help you prepare for such an enormous undertaking by breaking the process down into more manageable pieces. The best place to start is with the one question that you will hear more often than any other: "What exactly is a charter school?"

Charter schools are public schools of choice. They are granted a specific amount of autonomy (determined by the state law and the charter granted by a sponsoring agency) to make decisions concerning the structure, curriculum, and educational emphasis of the school. In return for this autonomy, charter schools are held accountable for the academic achievement of the students in the charter school. The school faces suspension or closure if accepted performance standards are not met.

"Some people see things as they are and say, 'Why?'

I dream things that never were and say, 'Why not?'"

—*Robert F. Kennedy*

Above is just one definition of a charter school. As you will find throughout the workbook, there may be more than one "right answer" to a question. The definition of a charter school depends on the state charter school law, and some states have very different laws. It will be important for you to develop an answer to the question "What exactly is a charter school?" that best fits your state, your audience, and you. Once you have that answer, you will be ready for the adventure to begin.

Next, take a few moments to write down what you hope to learn from this workbook. What are the questions you have right now? What are you most concerned about for your school? What are you most confident about for your school?

The workbook series is guaranteed not to have all the answers to all of your questions. It will help you to refine your questions, remind you of questions that may not be obvious, and help point you in the right direction. The series also contains useful strategies and tips on how to find the information you will need to start a charter school.

Network Now, Not Later

While the charter school concept is still relatively new, the good news is that there have already been many explorers into the world of charter schools. You do not have to invent something new every step of the way. You can learn a great deal from other charter school founders and operators. One of the first steps is to make contact with at least three other charter school founders. Work to build relationships with them. Get to know some who are just getting started, some who have been working with charter schools for a year or so, and some charter school veterans. Each will have a unique and helpful perspective.

In 1995, two researchers[1] interviewed 110 charter school leaders. Based on the advice obtained from the charter school leaders, the researchers made the following nine recommendations for those planning to start a charter school:

1. Establish a clear vision, mission, and philosophy to which all involved in the school are committed
2. Give yourself plenty of time to plan
3. Be prepared to work hard
4. Visit other charter schools
5. Look for partners with special expertise; do not try to do everything yourself
6. Spend as much time as possible communicating with parents
7. Hire experienced teachers and administrators
8. Develop support as broad as possible within the community
9. Start small and get the operation going well before you expand

These nine recommendations are as helpful today as they were in 1995. Keep these recommendations in mind as you prepare for your new charter school.

Personal Preparation

When you begin your exploration of the charter school world, it is important to conduct a self-assessment. Starting a charter school takes a high level of personal commitment. Ask yourself:

- What exactly am I getting into?
- What do I already know about developing a charter school?
- What will I need to learn?
- What am I willing to commit in terms of time and other resources?

What do you know right now about charter schools?
Take the Charter School Quiz and find out.
See Tool 1: Charter School Quiz (Page 12)

1 Medler, A.L., & Nathan, J. (1995). *Charter schools: What are they up to? A 1995 survey.*

Map Out Accomplishments

Starting a charter school requires a great deal of work. It becomes much more work than most people expect in the beginning. However, it may well become one of the most gratifying accomplishments of your life. Keep a list of your accomplishments along the way and look at it when you start to feel frustrated.

Sites Along the Way: Stages of Charter School Development

Charter schools are started for a wide variety of reasons and by an even wider variety of people. The resulting schools are often very different from each other. Because of the great diversity of charter schools, researchers and policy analysts have a difficult time describing a "typical" or "average" charter school. However, that has not stopped researchers and policy analysts from attempts at classifying charter schools and describing similarities in the charter school development process.

At the most basic level there are two types of charter school: the "start-up" charter school and the "conversion" charter school. Start-up schools are developed "from scratch" by groups of parents, educators, business people, and others interested in creating a new school. Conversion schools were previously traditional public or private schools that have disbanded and reorganized as charter schools. Some states limit conversion charter schools to public schools only.

Most charter schools go through a similar pattern of development. After working extensively with both start-up and conversion charter schools across the country, Eric Premack[2] has described five general stages of charter school development:

1. Exploration
2. Charter drafting
3. Negotiation, redrafting and approval
4. Preoperations planning and development
5. Operations, troubleshooting, and improvement

Although all schools will progress through these five stages, it is important to note that the speed at which each particular charter school moves through the developmental stages may vary greatly. Components of each stage may also change slightly for different schools and groups of charter founders.

2 Premack, E. (1998). *Charter school development guide: California edition* (Rev. ed.)

Stage 1: Exploration

The exploration stage "involves preliminary research, investigation, and procedural groundwork." Premack identifies the following key steps:

- Explore whether the prospective charter developers have the seeds of a coherent institutional and organizational vision
- Identify a potential timeline and process for the overall development effort
- Outline a rough, but comprehensive, design plan for the school governance and administrative structure, a staffing plan, a statement of facilities needs, and a rough budget
- Review any existing charter school-related policies of the local school district or charter-granting agency
- Assess the major features of the state charter school legislation and determine whether the proposed school fits within the legal and procedural framework

a. Start on the Internet

In the exploration stage learn all you can about the charter school environment in your state. A great place to start is on the Internet. There is an amazing amount of information available online. One of the first things to do is read the charter school law in your state. Then read it again until you understand it. Find out about the sponsoring agencies in your state. Some state laws provide only one route to petitioning for a charter while others allow for multiple charter-granting agencies. Other states have not passed charter school legislation. If you want to open a charter school, it must be in a state that has adopted some form of charter school law. Many states provide online access to the current charter school law. If you cannot find a copy online, contact your state education agency and ask the charter school coordinator to send you a copy of the charter school law.

Who is your state education agency coordinator for charter schools? That information is also available online at *www.uscharterschools.org/chrt_exch/exlist.htm*. The state-level coordinator may already have a packet of information or charter school guidebook for you.

Ask the state coordinator for a description of the procedure used to analyze and approve charter school petitions in your state. From the state coordinator, or the Internet, you will want to obtain a list of existing charter schools in your state. Be sure to get descriptions of the schools and contact information.

Your state may also have information about any funding the state legislature has allocated or the state has received from the federal government to help people plan and/or start charter schools.

This is a good time to join e-mail discussion groups. There are many state and national e-mail discussion groups devoted completely to charter school issues. A good place to learn more about these discussion groups is online at *www.uscharterschools.org/gen_info/gi_discussions.htm*.

b. Conferences and Meetings
After you have searched the electronic world for information about charter schools, you will be ready to learn more at charter school meetings and conferences. Each year there is a national charter school conference, and in many states there are state-level charter school meetings and conferences. These are excellent opportunities to gather information and build your network of charter school contacts.

By attending these conferences and searching the Internet you may find that, in addition to the state education agency, there are a variety of other groups working to assist charter schools. You may want to look for charter school resource centers, charter school associations, or other groups (including foundations that have provided grants to help start charter schools) in your state that are available to help people start charter schools.

c. Put Your Foot in the Door
The exploration phase is also a perfect opportunity for you to take the time to see some real charter schools in action. A few visits may be very enlightening and will give you great ideas about what you may and may not want to do with your school. When you visit another charter school, be sure to:

- Make an appointment
- Offer to pay for copies of materials
- Visit schools in states with laws similar to your state law
- Be sensitive to charter school time (one day a week for visitors, etc.)

Stage 2: Charter Drafting

After you have completed the exploration stage, you will be ready to make an informed decision about starting a charter school. If you have determined that creating a charter school is your best option, the next steps are:

- Refine a more detailed and comprehensive school design plan, including a well-defined instructional program (with a clear framework for curriculum, pedagogy, goals, and assessment); a clear governance and administrative plan (noting the proposed roles for students, parents, and staff); a detailed planning budget; a facilities plan; and a description of needed support services

- Review the required elements of a charter under law and other desirable charter elements
- Research specific charter elements in detail and consult with experienced school developers along with other professional advisors
- Prepare a draft charter contract, based on critical elements from the school design plan, and include the essential legal and organizational elements

Stage 3: Negotiation, Redrafting, and Approval

The key components of the third stage are:

- Circulate the proposed charter among interested parties and shrewdly lay the procedural groundwork for the process of submission and approval of the charter
- Redraft the charter to address constructive criticisms and legitimate concerns
- Circulate the charter petition among teachers or parents
- Make formal presentations of the charter petition to the charter-granting agent
- Attend and speak at public hearings and secure approval for the charter
- Submit the charter to the state board of education

Stage 4: Preoperations Planning and Development

In the fourth stage, charter developers need to:

- Develop a detailed plan and timeline listing all of the issues and tasks that need to be addressed before doors open. (The checklists in each section of this workbook may be helpful to use as you enter the planning stage.)
- Develop operating agreements with the sponsor district staff and/or nondistrict service providers. These agreements would identify which services, if any, are to be provided by the sponsor district and/or contract providers and the specific terms under which they are to be provided.

- Establish the school as a formal organization, including drafting and filing of articles of incorporation, recruiting and installing the governing board, drafting bylaws and policies, and developing an administrative structure and plan.
- Recruit and hire staff. Admit students.
- Formalize the instructional program, including selecting and purchasing necessary instructional materials, establishing the instructional calendar, engaging in and planning for staff development, and laying any necessary groundwork for student assessment.
- Establish all support services, including facilities, fiscal management (accounting, budget, payroll, banking/cash flow, etc.), transportation, food services, insurance, staff benefits, telecommunications, legal advice, janitorial/custodial/grounds, and so forth.

Stage 5: Operations, Troubleshooting, and Improvement

The fifth stage is beyond the scope of this workbook. However, in stage four you can prepare by planning to:

- Celebrate the successful opening of the school
- Identify and address unforeseen glitches
- Transition the school's governance structure from "start-up" to ongoing policymaking and oversight mode
- Refine instructional strategies and practices
- Establish, implement, and formalize relationships with community groups, supporters, the sponsor district, the media, and other potential partners
- Begin the process of collecting and analyzing student performance and achievement data
- Use student performance data as the foundation for an ongoing short- and long-range planning and policy development process

Now ask: At what stage are you? Where do you need to begin?

See Tool II: Charter School Development Guide (Page 15) for a comprehensive overview of start-up needs.

Three Different Perspectives

Another approach that may be helpful in the early stages of charter school development is to look at the situation from three basic perspectives: external context, internal context, and taking action.

External Context

External context is comprised of factors that you may not have control over, but need to understand and may potentially begin to influence. Examples include the political and fiscal environments in your local school district, community, and state.

- Community environment. What kind of local support is there for a charter school? What does the community need in a charter school? What will a charter school provide that is not currently available?
- Political environment. Who are the political players? Who has power and influence? Who might support a charter school? Who will oppose a charter school? Is a charter school politically feasible in your community?
- Fiscal environment. Is the charter school idea fiscally possible? Will the state or school district provide enough funds to operate the charter school program? What additional sources of funding are available for charter schools?

Remember that the external context is constantly changing. The answers you get to these questions may not be the same a few months or weeks later. The charter laws that are passed one year may be drastically altered the next. Be ready to adapt. Develop methods for keeping in touch with the external context in your community. (See *Workbook 5: Community Relations.*)

Internal Context

Factors included in the internal context are those you do have some degree of control over—for example, your school's vision, the governance structure of your group, the ability of the group to work together. A strong, clearly defined and mutually understood vision can keep a group focused and prevent misunderstandings that result when unexpected differences emerge later in the developmental process. Many leadership trainers and texts have very specific definitions for words like "vision" and "mission." What is important for your school is that a clear written statement is developed. The statement becomes the mortar, the glue that holds all activities of the school together.

- The vision is the basis for the charter—actualized in the budget.
- The vision provides motivation—establishes group commitment.

- Successful founders create the vision, cultivate the vision, sustain the vision, and develop a mission statement.
- The mission statement is a marketing tool and guides future action.
- Together, the vision and mission statement form the basis for the curriculum, standards, teaching styles, and assessment.
- What is your personal commitment? How much of your time, energy, and resources are you willing to give?

Successful charter school founders integrate their vision with the vision of other members of the core founding group. Together they base all policies and actions on the vision and mission statement. An effective leader will develop and find ways (traditions, recognition, celebration, ritual) to maintain and/or sustain the vision and the personal commitment of the members over time.

Taking Action

Charter schools are freed from many of the regulations that may slow innovation in traditional public schools. This freedom allows charter schools to take positive actions to improve student learning. As a result, charter school founders are faced with many more decisions than the leaders of traditional public schools. It is important that they do not waste the freedom to make those decisions by doing things the same as they have always been done. Thoughtful founders will consider:

- What changes in resource allocation would improve student learning?
- What changes in the power structure (organizational shifts) of a school will help us meet our goals?
- How can we use the increased flexibility and autonomy of a charter?
- What different learning styles, different ways of thinking, and innovative curricula are left out of the current system?
- How can our school demonstrate the different types of accountability (public, fiscal, academic)?

Through a better understanding of the social and political situation, and their own internal situation, charter school founders can develop a plan of action that will help them to accomplish their goals in light of external constraints and their internal vision.

In designing your school, there are many questions to consider. Here are some questions to get you started: [3]

1. Who will the school serve? What age and what specific needs?
2. How many students will be accepted?
3. How will they be selected?
4. What are the general outcomes expected of the school? Will there be a particular focus of study?
5. Will the school operate year-round? Extended day?
6. Will students have individualized learning plans? Portfolios?
7. What will the relationship between the teachers and the students be (facilitator, advisor-advisee, etc.)?
8. What kind of parent involvement will be expected?
9. What will be the expectations of businesses in partnering?
10. Will the school be primarily experiential? Hands on?
11. Will there be multiage grouping? Or grade levels?
12. Will there be an emphasis on cooperative learning?
13. What type and size of building will be needed?
14. What will be the general management structure of the school? Will there be a site-based team?
15. Does the school need a principal?
16. How will the money be handled? By the district? By a site team? By a school manager?
17. What will be the legal relationship with the district? How much money will follow the students?
18. Will teachers participate in collective bargaining?
19. Who does the hiring and firing? How will teachers be selected?
20. Will there be consequences for poor results? What will they be?

3 From D. Thomas (personal communication, 1997).

21. What evaluation outcomes, tools, and procedures will be in place?

22. Will students and parents be active participants in planning their course of study?

23. Will students have opportunities for field trips, internships, and apprenticeships?

24. Will there be policies governing attendance, discipline, student expectations, discrimination, and so forth?

25. Will there be courses? Subjects? Integrated and interdisciplinary courses?

26. Will teachers be generalists or specialists?

27. Will there be grades? Will there be report cards?

28. Do you need waivers from state rules?

29. What are the roles and responsibilities of teachers, students, and parents?

30. One teacher, one classroom?

31. Will there be an hourly schedule? Blocked time? Flexible scheduling?

32. What materials and resources will you use for instruction?

33. How will technology be used?

34. How will cultural and economic diversity be addressed?

These are a mix of general, philosophical, and detailed questions. They are a good place for the core founding group to start as they work to develop a shared vision of their charter school.

Tool I: Charter School Quiz

1. Arizona passed the nation's first charter school law. (T, F)

2. The year the first charter school law passed was:
   a. 1985 b. 1991 c. 1953

3. There are currently 37 states with charter school laws in the United States. (T, F)

4. As of September 1999, more than _____ were in operation?
   a. 500 b. 1,100 c. 1,400

5. As of 1999, about 4 percent of charter schools have closed. (T, F)

6. All charter schools must have a sponsoring agency. (T, F)

7. All states with a charter law permit newly created charter schools. (T, F)

8. Arizona has the largest number of charter schools in operation. (T, F)

9. Serving a special population was reported as one of the most important reasons for charter school founding by what percentage of charter schools?
   a. 13 percent b. 23 percent c. 43 percent

10. The percentage of students with disabilities enrolled in charter schools is significantly more than the percentage enrolled in traditional public schools. (T, F)

11. Charter schools consistently receive all Title I funding for which they are eligible. (T, F)

12. Charter schools are waived from the fair and open admissions process. (T, F)

13. All states with a charter law allow automatic waivers of most of the education code. (T, F)

14. The greatest difficulty for newly created charter schools implementing their charters is lack of start-up funds. (T, F)

15. Nationally, the percentage of limited-English-proficient (LEP) students served in charter schools is about the same as in other public schools. (T, F)

16. Charter schools enroll about 18 percent of public school students in states with a charter law. (T, F)

17. On average, how many children are served per school?
    a. 527 b. 257 c. 137

18. All teachers must be certified. (T, F)

19. Some charter schools offer noninstructional services (e.g., health and social services) (T, F)

20. Charter schools are public schools. (T, F)

Charter School Quiz Answer Key

1. **False.** Minnesota passed the first charter school law (U.S. Department of Education, 1999).

2. **b.** The first charter school law passed in 1991. City Academy in Minnesota opened as the first charter school in 1992 (Nathan, 1996).

3. **True.** A total of 37 states (including Washington, D.C.) have charter school laws (as of September 1999); 27 states and the District of Columbia have charter schools in operation serving more than 250,000 students (U.S. Department of Education, 2000).

4. **c.** As of September 1999, 1,484 charter schools were reported to be operating in the United States (U.S. Department of Education, 2000).

5. **True.** A total of 59 charter schools have closed since the first charter school opened in 1992. During the 1998–99 school year, 27 charter schools closed (U.S. Department of Education, 2000).

6. **True.** All charter schools must have a sponsor. State law determines which agencies are allowed to grant (sponsor) a charter (e.g., a school district, state board of education, city government, college, or university) (U.S. Department of Education, 1999).

7. **False.** Arkansas, Mississippi, and New Mexico do not allow newly created charter schools (U.S. Department of Education, 1999).

8. **True.** As of September 1999, Arizona has the most charter schools in operation (222), followed by California (110), and Michigan (146) (Center for Education Reform, 2000).

9. **b.** Almost a quarter of charter schools (23 percent) reported that serving a special population was a reason for founding. About 20 percent said that serving a special population was their most important motivation (U.S. Department of Education, 2000).

10. **False.** In the 1997–98 school year, students with disabilities made up 8 percent of the student population in charter schools and 11 percent of the student population in all public schools of the same states (U.S. Department of Education, 1999).

11. **False.** Only 53.3 percent of eligible charter schools reported that they actually received Title I funds (U.S. Department of Education, 1998). Title I is a federal program that provides assistance to schools and districts serving in areas with high concentrations of low-income students. It is currently the largest program of federal support for public schools.

12. **False.** To be eligible for federal funds, charter schools must have a fair and open admissions process, conducting outreach and recruitment to all segments of the community they serve.

13. **False.** Only 17 states and the District of Columbia allow automatic waivers. Charter schools in other states must apply for specific waivers (U.S. Department of Education, 1998).

14. **True.** Lack of start-up funds was reported by 54.7 percent of charter schools as a difficulty in implementation, followed by inadequate operating funds (41.4 percent), lack of planning time (37.4 percent), inadequate facilities (35.8 percent), and state or local board opposition (20.7 percent) (U.S. Department of Education, 1999).

15. **True.** Nationally, both charter and traditional public schools enroll about 10 percent LEP students. However, there is great variation in the state-by-state percentages. Charter schools in Texas and Minnesota enroll a much higher percentage of LEP students than the traditional public schools, while the reverse is true in Alaska, Florida, and Colorado (U.S. Department of Education, 1999).

16. **False.** During the 1997–98 school year, charter schools enrolled less than 1 percent of the public school students in states with a charter law (U.S. Department of Education, 2000).

17. **c.** During the 1998–99 school year, the average number of charter schools was 137, compared to an average of 475 in all public schools (U.S. Department of Education, 2000).

18. **False.** Most teachers are certified, although certification varies from state to state. Some states require 50 percent of the teachers to be certified, while allowing the other 50 percent to not be certified (U.S. Department of Education, 1999).

19. **True.** About two-thirds of charter schools provide one or more noninstructional services to their students (U.S. Department of Education, 1999).

20. **True.** *All* charter schools are public schools. All schools are held accountable for their student outcomes, get state funding for each student, and must have open enrollment, just as traditional public schools do.

Tool II: Charter School Development Checklist

Task	Person(s) Responsible	Resources Needed (e.g., budget, committees)
Vision/Mission Statement		
Develop a vision/mission statement		
Align standards, assessment, and curriculum with school vision/mission		
Use mission/vision in making decisions in all other areas		
Core Founding Group		
Develop and solidify a core founding group		
Conduct a skills inventory of expertise		
Develop a 3–5 year strategic plan		
Access experts as needed		
Application Process		
Read your state charter school law		
Obtain application		
Identify key application components		
Revisit vision/mission statement		
Develop a quality written application		
Begin school development process		
Facilities		
Conduct needs assessment		
Identify options		
Evaluate/inspect potential sites		
Review codes/ordinances/regulations		
Obtain resources for financing a facility		
Select a site		
Acquire site (lease, purchase, etc.)		
Make necessary repairs and installations		
Arrange custodial services		
Establish insurance policies		

Tool III: References/Resources

Berman, P., Nelson, B., Ericson, J., Perry, R., & Silverman, D. (1998). *A national study of charter schools: Second-year report*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement. Retrieved May 12, 2000 from the World Wide Web: www.ed.gov/pubs/charter98/

Berman, P., Nelson, B., Perry, P., Silverman, D., Solomon, D., & Kamprath, N. (1999). *The state of charter schools: Third-year report. National study of charter schools*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement. Retrieved May 12, 2000 from the World Wide Web: www.ed.gov/pubs/charter3rdyear/title.html

The Center for Education Reform. (1997). Starting a charter school: The first step. In A. Dale & D.A. DeSchryver (Eds.), *The charter school workbook: Your roadmap to the charter school movement* (pp. 222-225). Washington, DC: Author.

The Center for Education Reform. (1999). *The national charter school directory, 1998-1999*. Washington, DC: Author.

Clayton Foundation. (1998). Part VIII: Lessons learned by the charter schools. In *1997 Colorado charter schools evaluation study: The characteristics, status and student achievement data of Colorado charter schools* (pp. 108-115). Denver, CO: Colorado Department of Education.

Clinton, W.J. (1999). *State of the Union address*. Washington, DC: The White House, Office of the Press Secretary. Retrieved May 12, 2000 from the World Wide Web: www.pub.whitehouse.gov/uri-res/I2R?pdi://oma.eop.gov.us/1999/01/20/1.text.1

Medler, A.L., & Nathan, J. (1995). *Charter schools: What are they up to? A 1995 survey* (ECS Report No. SI-95-1). Denver, CO: Education Commission of the States.

Nathan, J. (1996). *Charter schools: Creating hope and opportunity for American education*. San Francisco, CA: Jossey-Bass.

Nelson, B., Berman, P., Ericson, J., Kamprath, N., Perry, R., Silverman, D., & Solomon, D. (2000). *The state of charter schools 2000: Fourth-year report. National study of charter schools*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement. Retrieved May 12, 2000 from the World Wide Web: www.ed.gov/pubs/charter4thyear/index.html

Premack, E. (1998). *Charter school development guide: California edition* (Rev. ed.). Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center.

Vision and Mission

An educational vision and mission statement are fundamental elements of a successful charter school. Many state charter school laws contain explicit objectives that these schools are designed to meet. The educational vision and mission are the appropriate places for charter school founders to be very clear about the purpose of the charter school and to identify how the school will meet the objectives specified in the charter school law.

"When you reach for the stars, you may not quite get one, but you won't come up with a handful of mud either."

—*Leo Burnett*

What is an Educational Vision?

An educational vision can be a powerful tool in creating a charter school. It is a common or shared understanding of what it means to learn and be educated. It describes the dream that motivates you and others to create a charter school. A vision is a picture of where your school is headed. It is a picture that may also be used as a guide to the intended destination of your school.

Why Take the Time To Write It Out?

In written form, the educational vision is a brief statement that defines the unique purpose and objectives of the charter school. There are many advantages to writing out the educational vision of the charter school. A written vision:

- Provides a solid base upon which to build a successful application
- Is easy to share with others
- Describes the clear sense of purpose shared by parents, students, staff, and the school's board of trustees guides
- Motivates the school's decisionmakers in all aspects of planning and operations
- Prevents misunderstandings
- May be used as a guide for decisionmaking
- May provide a set of criteria by which to measure school's progress toward its defined purposes
- Gives potential employees, prospective students, and their parents clear indications of how they will be treated and what will be expected of them
- Explains to chartering agencies and the community at large how this charter school is distinctive from other public schools

In strong words of warning to those who may be tempted to save time by not producing a clear educational vision, Diamond and Premack (1994) write: "Those lacking this guiding educational vision will fail to take full advantage of the charter legislation and struggle unnecessarily with the challenges presented by the charter implementation process." In the next section on mission statements, you will find activities designed to help with the process of writing the educational vision and mission statement for the charter school.

What is a Mission Statement?

In addition to an educational vision, most charter school founders put their shared sense of purpose down on paper by writing a mission statement. The mission statement is usually brief. It clearly and concisely describes the steps that will be taken to attain the school's vision.

Typically, mission statements include five elements:

1. Values
2. Educational approach
3. Curriculum approach
4. Customer focus
5. Outcomes and goals

To get an idea of the different directions mission statements can take, refer to Tool I, which includes excerpts from actual charter school applications that might serve as models for you to think about with respect to each of the above five elements.

See Tool I: Examples of Charter School Mission Statements (Page 20)

Mission statements may also be developed to answer three questions:

1. Whom do you seek to serve?
2. What do you seek to accomplish?
3. And how will you proceed (i.e., what methods you will use)?

Look at the example mission statements in Tool I again. Do they each answer these questions? Is the language used clear enough for both parents and teachers to understand and come away with the same ideas about the charter school?

Developing a Mission Statement

As you may notice from the examples given, mission statements can be created in a variety of ways. Several approaches have proven successful for different types of charter schools. Select an approach, or use the combination of approaches that reflects the educational values of the charter school you are working to create.

a. A ground-up collaborative approach, for instance, might involve parents, teachers, and administrators who come together with a roughly similar vision in order to develop a fuller consensus through a group decisionmaking process.

b. An alternative approach might be based on an established mission or educational philosophy, such as the Montessori model or the principles of the Coalition of Essential Schools. Under this approach, a charter school team would develop around an existing mission statement, rather than the reverse.

c. Often, a shared vision emerges through the process of parties working together and engaging in lengthy conversations, even debates, as to what is valued or important for the particular school.

See Tool II: Vision and Mission-Building Activity (Page 23)

After drafting an educational vision and mission statement, share them with members of other community groups. Ask what the documents mean to them. Eliminate words that are difficult to understand or those that have different meanings for different groups of people. Although the conceptualization, writing, and revision of a mission statement can be laborious, that statement will be one of the most important documents in the school. A mission statement:

- Helps a school clarify where it is headed and helps build consensus among new members of a school community
- Explains to the rest of the world why this community of people came together to found a school and what standards they intend to uphold

Keeping the Vision/Mission

Once the charter has been granted, it is important to revisit the educational vision and mission. Do not let all the time spent developing these documents go to waste by filing them away. Refer to the educational vision and mission statement when making all other decisions about the charter school. Carefully consider how the vision of the school is reflected in all charter school materials, including: curriculum, assessments, hiring policies, strategic plans, marketing materials, and Web sites. Many schools find it helpful to post the mission statement in a prominent location.

As the charter school evolves, a process for redefining a school's vision or rewriting a mission statement may help a school regain clarity. All governing bodies, parents, faculty, students, and alumni should be encouraged to participate in the continuing evolution of the statement to ensure that all stakeholders feel a sense of ownership in the school's core values and vision.

Tool I: Examples of Charter School Mission Statements

Examples of charter school mission statements with respect to each of the five elements of a mission statement:

Neighborhood House Charter School
Boston, MA
School Status: In operation
Year of opening: 1997

"The Neighborhood House Charter School of Boston believes that the underpinning of change relies on the creation of a learning community, where everyone has something to learn and something to teach. The mission of the school is to develop in each child the love of learning, and ability to nurture family members, friends, and self, the ability to engage in critical thinking, and to demonstrate complete mastery of the academic building blocks necessary for a successful future."

Public School 2005
Milwaukie, OR
School Status: In operation
Year of opening: 1998

"The mission of Public School 2005 (PS 2005) is to recognize and nurture all human intelligence so that students and staff of varied cultural and social backgrounds will achieve their full intellectual and social potential. The founders envision a school that creates an inclusive community working together to support student achievement and a strong sense of self-worth. The school will offer a comprehensive educational program by placing a strong emphasis on K-6 core curriculum while infusing second language and the arts. PS 2005 will foster an environment where students, parents, staff, and the community are partners in the educational process and achievement of all children."

Horizons Community High School
Wyoming, MI
School status: In operation
Year of opening: 1994

"We believe that people are empowered by their independent use of information technologies and that they are united by opportunities to share resources and communicate in our local and global communities. In this Information Age, it is essential that Horizons commit to preparing its students to work in an evolving, information-centered, global community. Given the rapid pace of technological change and the growth of information technologies in all aspects of our lives, it is critical that students become familiar with the tools of information technology. All students and staff must be competent in using these tools to obtain information, to communicate, and to solve problems."

EduPreneurship Student Center
Scottsdale, AZ
School Status: In operation
Year of Opening: 1995

"EduPreneurship is dedicated to providing children with an education that will enable them to be successful in today's complex society. Creating a learning environment that is relevant, active, and product-oriented to ensure our children stay turned on and tuned in is essential to the educational process. We believe in practicing the precepts of a democratic society by students holding themselves accountable for their own actions thus preparing them to be good citizens."

Lowell Middlesex Academy
Dallas, TX
School status: In operation
Year of opening: 1998

"The mission of Lowell Middlesex Academy is to enable students to achieve academic, social, and career success by providing a supportive community that identifies, encourages, and develops each student's interests and abilities. The college campus environment enables students to discover the wide variety of opportunities open to them and foster a sense of responsibility for their own education. Upon graduating from the Academy, each student will have:

- A high school diploma
- A clearly demonstrated set of academic skills
- Experience in the workplace and in community service
- A clear awareness of their rights and responsibilities as citizens
- A personal development plan for the years beyond high school"

Tool II: Vision and Mission-Building Activity[1]

The vision and mission statements should capture the spirit and uniqueness of your school. Keep the vision short, believable, and reality-based. The mission should describe the strategy of attaining the vision. Consider the following in preparation for the writing of the statements.

- Where do you want to go with the school? What do you want to be? What direction(s) will the school be taking?

- What do you want for yourselves 5–10 years from now?

- Clearly describe your future dominant driving force(s):

  —Programs offered?

  —Educational philosophy?

  —Satisfying students'/parents'/community needs?

- Be creative here, but make sure your description is believable, understandable, motivating and achievable. Key words to include:

- How will your school fit the needs of your students/parents, your staff and your community?

1 Adapted from Kapron, J.E. (1998). *Bizplan express*

Tool II: Vision and Mission-Building Activity—continued

You and your staff will want to write both your vision and mission statements completely from scratch. The following forms are provided to help you get started.

Vision Statement

_____ will be a highly visible school known as the (best) _____ in the region. We will become a leader in _____. We will actively be promoting _____ and encouraging students to _____.

Mission Statement

In order to achieve our vision, _____School commits to the following:

_____ School's mission is to provide _____. We believe our first responsibility is to _____.

In carrying out our day-to-day activities we strive to:

1. _____
2. _____
3. _____

Through a long-term commitment to this mission, we will be known as a school that _____. Our students, parents and community will see _____ School as offering _____.

The Center for Education Reform. (1997). Starting a charter school: The first step. In A. Dale & D.A. DeSchryver (Eds.), *The charter school workbook: Your roadmap to the charter school movement* (pp.222-225). Washington, DC: Author.

Diamond, L. (1994). *School reform, accountability, and charter schools: Making charters work—strategies for charter school developers* (Brief No.2). Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center. Retrieved May 12, 2000 from the World Wide Web: www.csus.edu/ier/charter/charteraccount.html

Kapron, J.E. (1998). *Bizplan express*. Cincinnati, OH: South-Western College Publishing.

Massachusetts Charter School Resource Center. (1997). The mission statement. In *The Massachusetts charter school handbook* (3rd ed., pp. 3-6). Boston, MA: Pioneer Institute for Public Policy Research.

Millot, D., & Lake, R.J. (1996). *So you can start a charter school? Strategic advice for applicants: Recommendations from an expert workshop*. Seattle, WA: University of Washington, Center on Reinventing Public Education. (ERIC Document Reproduction Service No. ED 425 260)

Premack, E. (1997). *Charter school development guide: California edition*. Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center.

RPP International & University of Minnesota. (1997). *A study of charter schools: First-year report*. Washington, DC: U.S. Department of Education. Retrieved May 15, 2000 from the World Wide Web: www.ed.gov/pubs/charter/

U.S. Charter Schools. (1999). *Developing a mission statement*. San Francisco, CA: WestEd, & Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center. Retrieved May 12, 2000 from the World Wide Web: www.uscharterschools.org/tech_assist/ta_mission.htm

Core Founding Group and Accessing Experts

What is a Core Founding Group?

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has."

—*Margaret Mead*

A core founding group is a small group of thoughtful, committed citizens. They are the ones who move the charter school from a shared educational dream to a shared educational reality. They work together to plan for the charter school and complete the charter school application process. Their level of involvement may vary a great deal during the process of creating the charter school. Some members may become staff or board members of the charter school once it is in operation. Others may move on to different projects. This section will help you to understand the importance of creating a strong core founding group and give you some strategies for finding and developing the members of your group.

Why Have a Core Founding Group?

"Starting a charter school is like starting six small businesses all at once."
—*Joe Lucente, Fenton Avenue Charter School Codirector.*

To say that a great variety of skills and time is required for putting a charter school together is an understatement. Usually the skills and time are much more than one or two people have. A strong core founding group can help make the work manageable and provide the necessary variety of skills, experiences, and perspectives that will strengthen your charter school.

Required Skill Areas

Besides having a common educational vision for their school, charter school founders need to be willing to learn or access expertise in the following specific areas:

- Reading and understanding the state charter school law
- Following (and in some cases developing) the charter application procedures
- Writing the charter application or petition
- Educational law and legal issues
- Marketing and recruiting a constituency, dealing with the media, and community relations

- Identifying and obtaining human and financial resources
- Real estate expertise in acquiring a facility
- Educational assessment and evaluation
- Leadership, governance, and management issues
- Public relations
- Other areas as they apply to your situation

Skills Inventory

Chances are you already have a group of people in mind. You may already be working with a group of parents or teachers. One of the best places to start is to develop an inventory of skills for each of member of your core founding group.

See Tool I: Core Founding Group Skills Inventory (Page 31)

After completing a skills inventory, you may find that group members have unexpected skills. You may also find that there is a lot of overlap in skills, experiences, and perspectives. If that is the case, it will be important for your group to recruit members with skills that are missing. Your charter school will benefit if you include members with different experiences and perspectives. For example, if your core founding group is primarily composed of all parents, it may help to include a teacher or administrator. If the core founding group includes only teachers, a parent or business person may be a valuable asset.

Once the charter is granted, there is a whole new set of skills that will be required. Many core founding groups do a great job of getting the school started, but may lack experience with management and the ins and outs of the day-to-day operations of a school. Plan early for the transition between start-up mode and operations mode. Typically, once the charter school is in operations mode, the responsibilities of the core founding group will be delegated to the charter school's governing board and administrative staff. Transition from the start-up mode to the operations mode can be eased through new board

member training and new staff development with the promotion of the school vision and mission.

Characteristics of Successful Core Founding Groups

- Shared vision—all members of the founding group share the same educational vision
- Passion—members share a passion for creating and developing their school
- Motivation—members are able to overcome obstacles, want to help children, and are not solely motivated by money

When recruiting people to join your core founding group, you may want to look for entrepreneurs; lawyers; accountants; political and community links; those with educational experience; business people with personnel, management, and marketing experience; a couple of dreamers; people who understand the big picture; those with great organizational skills; and some without children in the charter school.

How To Develop and Sustain the Core Founding Group

- Constantly revisit the vision. Some groups find it helpful to start each meeting by reading the mission statement of the school.
- Be aware of changing duties as you move through the planning phase, implementation phase, and the transition to day-to-day operations. Team members will need to have the ability to delegate control and communicate the vision and mission as new team members and staff join the school.
- Develop a three-to-five-year strategic plan. A strategic plan is a proactive, comprehensive outline of how the educational vision can be attained through the implementation and development of the charter school. The strategic plan includes the business plan for the charter school as well as the processes to be used by the members of the core founding group to build the organizational structure and culture necessary for a successful charter school.

  For more information, see *Workbook 4: Governance and Management* for tips on developing a business plan.

- Be aware of burnout potential.

  For more information on avoiding burnout, see Marketing Your School, Tool III: Sustaining Momentum, Avoiding and Surviving Burnout, in *Workbook 5: Community Relations*.

- Focus on early governance issues:

  1. Agree on how decisions will be made at each stage of the process
  2. Agree on who is ultimately responsible for key decisions
  3. Develop a system for conflict resolution before there are conflicts to resolve
  4. Establish what the relationship between members of the core founding group will be as well as the day-to-day duties of each member
  5. Establish who is ultimately responsible for the curriculum
  6. Agree on how accountability to the general public and the charter-granting agency will be demonstrated

For more information, see the Governance and Management Issues section of *Workbook 4: Governance and Management*.

Accessing Experts

There may be times when you will consider hiring an "expert" to supplement the skills of your team as you are developing and running your charter school. Some examples of the needs you may have are as follows:

- Legal advice
- Accounting/financial advice
- Graphic design
- School nurses
- Governing board development
- Grant writers
- Web-page development
- Others as needed

The question is, how do you obtain the experts you need?

See Tool II: How Do We Choose the Best Consultant? (Page 32)

- **Network with your surrounding community.** Asset mapping: Find out what resources already exist in your community (schools, businesses, volunteer organizations, etc.); collaborate with your "assets" in order to establish relationships and/or partnerships.
- **Seek a referral from your network** of colleagues, parents, friends, schools, or other organizations. "Word of mouth" may be the best way to locate trainers. Another option is to look for someone who is willing to work pro bono.
- **Access technical support organizations** in the state. (Remember that you are entitled to the same technical assistance that any public school would receive.)
- **Hire a consultant.** Have a clear understanding of what work you want done and what type of services you need.
- **Access directories** of organizations, state and local associations, and resource centers to locate expertise.
- **Check national, regional, state, and/or local conferences agendas.** Conferences can be an excellent source for locating future trainers. You have the opportunity to see firsthand what abilities and expertise the trainers possess.
- **Recruit university and college students as volunteers or student interns.** Both the person seeking the trainers and the trainers themselves can benefit from the opportunity to volunteer their time and expertise.

Tool I: Core Founding Group Skills Inventory[1]

Insert your core founding group's names in the columns and add areas of expertise in the rows as fits your situation. Where do you need more assistance? What is your plan for obtaining more help?

Skill ⇩ / **Core Founding Group Members ⇨**									
Community/Public Relations									
Curriculum Development									
Financial Planning/Management									
Fund Raising/Grant Writing									
Instructional Practices									
Knowledge of School District									
Legal									
Management and Leadership									
Organization Development									
Parent Relations									
Politics									
Real Estate									
Special Education									
Staffing and Personnel									
Standards and Assessment									
Teaching Experience									
Writing									
Other Areas:									

1 Adapted from Premack, E. (1998). Appendix C: Development team and board expertise. In *Charter school development guide: California edition* (Rev. ed., p. 1).

Tool II: How Do We Choose the Best Consultant?[2]

What are the steps in choosing a consultant?

1. Identify the scope of the project and confirm the need for a consultant
2. Outline the tasks you want the consultant to perform
3. Prepare a written description of the project scope and timetable
4. Search for potential consultants
5. Request proposals from individuals or firms
6. Evaluate the proposals and check references/previous clients
7. Choose a consultant and enter into a written agreement

How should you begin?

Have a clear understanding of what work you want done and what type of services you need. Are you looking for temporary help to support your staff during periods of peak demand or are you in need of someone on a more permanent basis?

Where can you find a consultant?

- Word of mouth is best—ask your board members, parents, friends, and other charter school leaders for referrals
- Professional associations (e.g., National Society of Fund Raising Executives, Public Relations Society of America, Association of Executive Search Consultants)
- Interview two or three consultants before you hire

What criteria should be used in selecting a consultant?

- Balance the importance of experience and quality with your budgetary needs.
- Does the consultant have the appropriate experience and qualifications?
- Does he or she understand the goals of the project?
- Can he or she complete the project on time and within budget?
- Does he or she ask creative questions about the organization and the project?

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2 Developed by National Center for Nonprofit Boards (n.d.). *How do we choose the best consultant?* [Frequently asked question]

- Do previous clients give favorable reports on their working relationships with the consultant?

What should be included in a contract or letter of agreement?

- Can be prepared by either party; reviewed by attorney
- Describe scope of project
- Outline tasks involved
- Describe the reporting system
- Specify the nature of the final product (written report, oral presentation, combination)
- Set the timetable
- Establish the fee and payment schedule

How can you promote a successful working relationship with a consultant?

- Clarity, candor, mutual respect
- Clear expectations before project begins
- Adherence to the terms in the agreement
- A well-defined reporting system, usually stipulating that the consultant works through the executive director
- Open communication in person and by telephone, including checkpoints for measuring progress such as interim reports or regular meetings
- Follow up at the end of the project to let the consultant know the impact of his or her work on the organization

Should board members serve as paid consultants to the organization?

- This can raise potential for conflict of interest
- Board members can help the organization choose consultants from the fields with which they are familiar

Tool III: References/Resources

Bisbee, J. (1998). *Wish you could clone yourself? All about outsourcing*. New York, NY: Public Relations Society of America. Retrieved May 15, 2000 from the World Wide Web: www.prsa.org/bisbee1.html

Millot, M.D., & Lake, R.J. (1996). *So you want to start a charter school? Strategic advice for applicants: Recommendations from an expert workshop*. Seattle, WA: University of Washington, Center on Reinventing Public Education.

National Center for Nonprofit Boards (n.d.). *How do we choose the best consultant?* [Frequently asked question]. Washington, DC: Author. Retrieved May 15, 2000 from the World Wide Web: www.ncnb.org/askncnb/faq6.htm

Premack, E. (1998). Appendix C: Development team and board expertise. In *Charter school development guide: California edition* (Rev. ed., p. 121). Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center.

Application and Renewal

After developing a core founding team with a shared educational vision and making the decision to start a charter school, it will be time to begin the charter school application process.

State-Specific Requirements

- Be aware of state-specific requirements. Each state has different charter school laws and application procedures. In some states the procedure may vary by school district. In other states, the law may be so new that you will be helping to create the application procedure as you go through the process.
- Utilize charter school resource centers, Web sites, and other resources.
- State-specific information and contacts are available on the U.S. charter schools Web site at www.uscharterschools.org/chrt_exch/exlist.htm.
- The Information Resource Center (IRC) at the U.S. Department of Education can be reached at 1-800-USA-LEARN. They can offer assistance with referrals to experts.

Characteristics of Successful Applicants

- Think of all children first
- Usually a core team of founders
- Share the same vision (have a similar understanding of the school that they want to create)
- Are willing to follow through on responsibilities
- Have experience in a variety of areas
- Desire to create a school that both helps students and is accountable to the public trust
- Understand accountability and the need to make accountability a reality

Key Components of a Great Application

Great applications go beyond the minimum requirements set by the charter school law (as defined by your state). Tips for a successful process and product include:

- Take your time with the application—be thorough with research and writing
- Get input from many sources (including community members who may not be directly involved with the school)
- Have it reviewed by others (for content as well as grammar)
- Review successful applications from other schools
- Understand the state application process, keep communications open with the granting agency, and ask questions before submitting the application or petition

The following components will be helpful to both the applicant and the charter-granting agency regardless of the specific state requirements.

A. Clear mission statement: A mission statement is clear if both educators and parents alike can understand it. Clear mission statements use everyday language and avoid educational jargon.

B. Description of the education program to be used.

- Outline of educational theory and its foundation
- Outline of teaching approach and curriculum
- Identify sources of curriculum

C. Description of standards and goals for the students and programmatic standards and goals for the staff and school.

- What are the specific goals for the students? Are they aligned with the vision?
- How will students be assessed? Is the assessment system clear and valid and does it correspond to applicable state standards and requirements?

D. Financial Plan and 3–5 year budget projection (see the Business Plan and Financial Management section of *Workbook 4: Governance and Management*).

E. Governance and/or organizational model (see the Governance and Management Issues section of *Workbook 4: Governance and Management*).

F. Personnel policies (including the employee selection and termination processes) (see the Personnel Issues section of *Workbook 4: Governance and Management*).

G. Student admission and discipline policies (see the Internal Policy Development section of *Workbook 4: Governance and Management*).

H. Facilities information (see the Facilities and Financing section of *Workbook 1: Start-Up Logistics*).

I. Statement of why the school is needed/desired (see the Vision and Mission section of *Workbook 1: Start-Up Logistics*).

J. Insurance (as applicable) (see the Internal Policy Development: Insurance section of *Workbook 4: Governance and Management*).

K. Compliance with state and federal regulations as well as with other requirements as identified (see *Workbook 2: Regulatory Issues*).

L. Accountability (curriculum, standards, assessment, evaluation, etc., see *Workbook 3: Assessment and Accountability*).

M. Reference to a predetermined monitoring and renewal process (see Renewal below).

See Tool I: Key Components of a Great Application (Page 38)

Renewal

Even though most states do not require renewal for three to five years, it is important to think about the process from the first day the school opens. Since many charter-granting organizations have little experience with charter school renewal, you may have the opportunity to help determine how the renewal process will proceed and what components will be included. The process is likely to be similar to the initial application process, except that it will not only reflect your future plans but will also provide an opportunity to demonstrate what the charter school has accomplished. Check your charter school law for any specific renewal requirements.

It is to your advantage to take control of the renewal process early. Tips for a successful start on this include:

A. See the renewal process as a means of revitalization (e.g., an opportunity to reevaluate school policy and philosophy practices).

B. Maintain communication with the granting agency; this is critical.

C. Start early by keeping documentation of what is happening at your school:

- Photos or videos of lessons, activities, events.
- Examples of student work.
- Marketing information.
- Annual reports (see the Business Plan and Financial Management: Financial Information section of *Workbook 4: Governance and Management*).
- Demographic data on students/staff—what is the makeup of your student population (age, sex, race, etc.)?
- Comparative data on student progress (a "before and after").

D. Work with the charter-granting agency to develop a mutually acceptable process before it's time for renewal.

E. Find out what other charter schools in your state are doing to plan and prepare for renewal. If possible, talk to the operators of charter schools that have already completed the renewal process in your state.

F. As part of the formative evaluation process, renewal steps can occur annually. Common tools for collecting data are observations, interviews, and survey instruments.

Tool I: Key Components of a Great Application

Requirements for charter school applications vary by state. It is recommended that you refer to your state application guidelines when completing your application. The following is a list of recommended components for all charter school applications. Some of these components may apply to your situation more than others.

This worksheet is designed to help preoperational schools develop an application and charter and to help operational schools refine and revise their charter.

✔	Application Components		Due Date	Lead Person
	Clear mission statement			
	• Outline of educational theory and its foundation	Description of the education program to be used		
	• Outline of teaching approach			
	• Identify sources of curriculum			
	• Description of standards and goals for the students and programmatic standards and goals for the staff and school			
	• What are the specific goals for the students; are they aligned with vision?			
	• How will students be assessed?			
	• Is the assessment system clear and valid, and does it correspond to applicable state standards and requirements?			
	Budget proposal			
	Governance and/or organizational model			
	Personnel policies including hiring and firing			
	Student admission and discipline policies			
	Facilities information			
	Statement of why the school is needed/desired			
	Insurance (if applicable)			
	Compliance with state and federal regulations			
	Accountability (curriculum, standards, assessment, evaluation)			
	Reference to a predetermined monitoring and renewal process			

Tool II: References/Resources

Massachusetts Charter School Resource Center. (1997). Appendix A: Application for a public charter school. In *The Massachusetts charter school handbook* (3rd ed., pp. 12-13). Boston, MA: Pioneer Institute for Public Policy Research.

Millot, M.D., & Lake, R.J. (1996). *So you want to start a charter school? Strategic advice for applicants: Recommendations from an expert workshop*. Seattle, WA: University of Washington, Center on Reinventing Public Education.

U.S. Charter Schools. (n.d.). *State information and contacts*. San Francisco, CA: WestEd, & Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center. Retrieved May 12, 2000 from the World Wide Web: www.uscharterschools.org/chrt_exch/exlist.htm

Facilities and Financing

In research on charter schools, problems with facilities are inevitably near the top of the list of hurdles facing charter school founders. The most recent national study of charter schools indicates that "inadequate facilities" was rated as a very difficult barrier by 35.8 percent of all charters surveyed (U.S. Department of Education, 1999). The key to finding a workable facility for your charter school is to start the planning process early, and be flexible in the first few years.

Needs Assessment

Start your planning process with a needs assessment. You also want to consider contacting a professional architect. The New York Charter School Resource Center (1999) advises: "Some architects may be willing to help find adequate space on a pro bono basis if the charter school's mission is pitched to them convincingly (e.g., performing a community service for kids in need, etc.)." Whether you are working with an architect or not, there are some basic questions to answer in an initial needs assessment before you start looking for a facility:

"There were no floors, no walls, no ceilings, no windows, and the plumbing was nonexistent. Of course I fell in love."

—*David Utz*

1. What is the educational vision of the school, and how will the facilities reflect that vision?
2. How flexible are you willing to be in facility size and location?
3. What is your ideal student/teacher or student/adult ratio? What kind of spaces will you need to maintain that ratio?
4. Is it possible for the school to relocate in a year or two?
5. How many students do you have, or plan to have?
6. Will the student population change significantly in the next three to five years?
7. Does your charter allow you the right to own property?
8. What kind of classroom spaces will allow the school to meet its educational goals?
9. What other kinds of spaces will be needed (recreation, art, library, science, office, lunchroom, etc.)?
10. What kinds of facilities would be ideal to have near the school that you don't have to own and maintain (parks, libraries, performing arts centers, etc.)?
11. What kind of technological capacity does your school facility need to have?

12. Where do the students that your school will serve live?

13. What transportation options will be available to your students?

14. How much total space is needed for the interior of the charter school?

15. How much total space is needed for the exterior of the charter school?

Public School Construction Facts

In 1998 the average age of a public school building was 42 years (National Center for Education Statistics, 1999). The majority of all public schools (73 percent) were built before 1969. In fact, 28 percent of all public schools were built prior to 1950, and 45 percent were built between 1950 and 1969. The National Center for Education Statistics (1999) reports that the oldest public schools in America are likely to be smaller and have a higher proportion of students in poverty. Students in schools with the highest percentage of minority students and/or students eligible for free and reduced lunch also had less access to the Internet.

Currently, the median size of charter schools is 137 students (U.S. Department of Education, 2000). In comparison, the median size of new, traditional public schools is very large. See the table below for the median size of new elementary, middle, and high schools.

Type of School	Median Number of Students	Square Feet Per Student	Total School Size in Square Feet	Total Construction Cost in Dollars
Elementary	600	120	72,000	$7 million
Middle	800	142	113,600	$12 million
High	865	178	153,970	$18 million

Based on the data in the table above, construction of a new charter school (137 students) would cost approximately $1,540,000 for an elementary school; $1,980,000 for a middle school; and $2,747,000 for a high school. Fortunately, not all charter schools are required to build new schools. And most charter schools have more flexibility in the way the schools are built than traditional public schools.

Lyons (1999) also reported that, in 1997, the average school district allocated 9.4 percent of net current expenditure for maintenance and employed 12 full-time custodial, four full-time maintenance, and two full-time grounds personnel.

While the data above do not reflect the great variation among states, one general rule is 20 square feet per child for the classroom, and up to 100 square feet per child for the whole school (playground, hallways, etc.). At a recent charter school conference,[1] Arizona charter schools were advised to allow: 59 square feet per student for elementary schools; 70 square feet per student for middle schools; and 100 square feet per student total for high schools. Other examples include:

- A typical high school with 1,000 students needs 25 to 30 acres; with 2,500 students and facilities for athletics, 40 acres
- A typical K–6 elementary school with 450 students and a preschool needs 5–10 acres

Many states have specific requirements for school size based on the number of students. Contact the state education agency to obtain the specific school size requirements for your state, and review the charter school law to find out which requirements apply to charter schools and which may be waived. Be creative about using space. Charter schools are not required to replicate the "30 in a cell with a bell" (Premack, 1999) model of traditional public schools.

Identifying Possible Sites

Give yourself plenty of time. There are always options, and each has advantages and disadvantages. Consider your options in conjunction with your needs assessment and the following section on evaluation.

A. Preidentification—do your homework. Find out about your local building and zoning codes, permits, and approval process. These are available at your city hall.

B. Site options:

   1. Ask for a list of existing, unused district or educational facilities.

      a. Form an agreement (possibly in the charter) with the district or the charter-granting agency.

      b. Partner with a local community college or existing private or alternative schools.

1 Arizona Charter School Round-Up, January 21, 1999

2. Consider existing community or public facilities that may not be used during the day.

    a. Partner with local community groups (YMCA, Boys and Girls Clubs, community centers).

    b. Inquire with the city for a list of vacant buildings currently owned by the city.

3. Other options:

    a. Consult with a real estate agent, architectural firm, local business, or corporate sponsor for support and options.

    b. Network and use other relationships to identify possibilities, including:

        - Office space.
        - Retail space.
        - Donations of buildings.
        - Partnerships with local businesses (school-to-work relationship).
        - Partnerships with charter schools or other community service organizations.
        - Modular units: Buy or lease, new or used, low cost. These take from 30-45 days to install plus time for utilities to be connected. Costs are currently around $33–$53/square foot; this does not include site development (water, etc.). Modulars are more costly for rural areas (because of contractor time, and lodging). However, these are movable units and are easily expanded. Questions to ask:
            - Is this a turn-key project? (i.e., is it user-ready?)
            - Is the foundation included?
            - What are flooring options? Carpet, tiles?
            - Is plumbing included?
            - Is the contractor bonded? You may purchase bonding insurance against contractor's work, which will protect you if the contractor goes out of business or he/she does not insure subcontractors. However,

investigate costs carefully, since this may or may not be worthwhile.

- How easily are the layout/features changed (e.g., for modems, gas)?

Evaluate the Site

Once you identify several of the best options for a site, explore your options more thoroughly by evaluating them on several factors. Architects can help facilitate this process (choose an architect with experience in this area).

A. Evaluate your space requirement—Is the space appropriate considering the mission of the school?

B. Location—Does the location fit your needs and the needs of your students?

C. Building status—Is the building up to code? If not, how much will it cost to bring it up to code? Online resources for building codes can be found at CodeCheck online at www.codecheck.com/frame.htm (select Organizational Links once you are there).

D. Explore the liability costs for the specific type of building, both in terms of insurance and maintenance/repairs.

E. Does the building have adequate plumbing and wiring for a school? What will it cost to add needed plumbing, telephone lines, and so forth?

F. Contract with professional services to evaluate the building.

- Districts have services to inspect buildings
- City building inspectors can assist with zoning, codes, and regulations
- Architectural firms can assist in evaluating the building

See Tool I: Pros and Cons of Different Types of Facilities (Page 51)

Zoning, Building Codes, Regulations

Prior to selecting your site, you must consider the following legal requirements:

A. Local zoning ordinances

B. Local building codes

C. Americans with Disabilities Act (ADA dictates that you must provide easy access for individuals with disabilities)

D. Insurance to cover a variety of liability issues

E. Other public building requirements (safety and health-related):

- Hazardous materials protocol
- Fire codes (e.g., proximity to fire hydrant)
- Number of entrances and exits and their locations
- Lighting requirements
- Space requirements (bathrooms, space room)

Solutions

It is strongly advised that you do not purchase a facility in your first year of operation. Just as most people do not buy a house right after graduating from school, most charters should not buy in the first year. Look for a good "apartment" to start—it may be cramped, but it should give you what you need, and it may be in a good location. When you are really ready, look for your "starter-home"; work with it and fix it up until you can afford your "dream home."

Short-term options for acquiring space include:

A. Renting/leasing

1. Investigate various leasing options (types of leases for different spaces)

2. Use real estate agents for consultation

B. Space in community colleges

C. Look for municipality that would like to have an educational facility in a redevelopment area. Examples: Older, empty drugstores, grocery stores, churches planning to move to bigger facilities (if you make an

offer, they may speed up the moving/construction process). If the process extends beyond the start of the school year, meet in a library or museum. Show how your students can be an asset to the area.

D. Partnering with other charter schools

E. Church basements and meeting halls

F. Educational "malls": Develop a site with other tenants whose interests are related to yours (libraries, adult training centers, museums, public auditoriums)

G. Some states laws (e.g., California) require unused district space to go to charter schools

Resources and Sources of Funding

From a lender's point of view, the first few years are the most risky. After you have been around for a while, you are perceived as being more stable than at start-up. Thus, you will be more likely to obtain lower interest rates. When you are ready to purchase, present the lender with a "success story": show growth in enrollment, your positive track record, educational success as well as accurate financial statements (keep a professional scrapbook on your school as time progresses).

What do you need for financing?

1. Accurate/realistic enrollment projections (this is difficult in first few years; most experienced lenders will automatically discount overinflated enrollment projections)

2. Realistic budget and marketing plan (See the Business Plan and Financial Management section of *Workbook 4: Governance and Management*)

3. Evidence of success (See *Workbook 3: Assessment and Accountability*)

Financing options vary based on state regulations. Each option has its own pros and cons that should be carefully assessed by the charter school founders before entering into any contracts. The financial decisions made in the first few years will have a major impact on the long-term success of a charter school. Some options to consider are:

A. Loans

- Bank loans—Secured loans have the borrower putting up collateral, such as real estate, negotiable stocks, or other assets, which the bank can seize if the borrower defaults on the loan; unsecured loans do not take a pledge on collateral, they just require the good credit of the borrower
- Ask about eligibility for tax-exempt loans
- Try to finance as little as possible

B. Form a private investment group and do your own financing. In this option, teachers may invest in the school and take money out later as a part of their retirement/severance package.

C. Foundations/grant money—Books of all registered foundations are available at libraries, government offices, and online.

- Grants amounts vary
- Beware that some foundations will want to take a large part in the decisions made about your school if you accept their funding

D. Federal funding[2]

- Beware of reporting requirements and regulations
- ADA funding for easy-access improvements

E. Lease-aid (e.g., Minnesota provides lease-aid to charter schools)

F. Private "angel" investors. Warning: These investors generally want to get their money back quickly. The other side is that they often do not expect too much in return (i.e., interest or control over decisions).

G. Issue municipal bonds—These are securities issued by states and local government agencies. A primary feature of these securities is that interest on them is generally exempt from federal income taxation, and, in some cases, state income taxation; this is what makes them attractive to investors. However, because of this feature, the interest rates on municipal bonds are lower than interest rates on other types of investments. Currently, most charter schools do not have the authority to issue bonds, but with agreements may benefit from bonds issued by school districts and other local governments.

2 Refer to Klein, D., Owens-West, R., Cohen, J., & Ogden, D. (1999). *Accessing federal programs: A guidebook for charter school operators and developers.*

H. Start-up funds—Some states (e.g., Florida) give start-up facilities funding.

I. Public financing companies

J. Utilize personal finances of the founder(s) for down payment, then lease from founder(s).

K. Fundraising—Hosting events (e.g., auctions or fairs) can generate varying amounts of funds.

L. If you are entering into a redevelopment area, consider joint financing with the current owner, such as a three-year contract with a balloon payment at the end of the period. Remember that you will need some money for renovations as well.

Financial Packages: Almost all investors and lenders want to see standard financial documents. By preparing a basic financial package and keeping it up-to-date, you'll be in a better position to act quickly on financing opportunities. There are two levels of financial documents to prepare: the basic documents needed for most financial activities, and additional documents needed, especially for large loans or investments. Components for your financial package should include:[3]

A. Basic financial reports/documents (these are needed for virtually all financing opportunities, whether a loan or investment):

- Balance sheet showing the status of a company's assets, liabilities, and owners' equity; this gives a complete picture of the worth of a company.
- Income statement, which is a summary of the school's revenues, costs, and expenses during one accounting period. This reflects the profitability of your school. Projected income statements can be used if you are in the start-up phase of operation.
- Cash-flow projection estimating the schedule on which money will actually move into and out of your school. This also shows whether the cash flow is in the area of operations, investment, or financing.

B. Additional financial information. Some investment options will require more information than others. Such information may include:

- Audited financial statements—These are basic financial documents that have been prepared by an accounting firm to make certain they are correct

3 Not all components will be available if you are in the start-up phase of operation. However, projections of expected financial status are acceptable and often desirable.

- Last two to three years' tax returns of the school
- Last two to three years' founders' and/or operators' personal tax returns
- List of current accounts
- Current business plan
- Expert appraisals of assets that will be used as collateral to secure loans (e.g., school property/equipment or personal assets and liabilities of the founders/operators)

See Tool II: Facilities Worksheet (Page 53) for a checklist for acquiring charter school facilities.

Tool I: Pros and Cons of Different Types of Facilities

Type	Cost	Time to Completion	Contract Agreements	Insurance, Security, & Risk Management
Build new school				
New/used modular school				
Renovation				
Former school				
Retail				
Office space				
Library or museum				
College or university				
Other				

Tool I: Pros and Cons of Different Types of Facilities —continued

Playground Space	Maintenance (Now & Future)	Other Pros	Other Cons

Tool II: Facilities Worksheet

Checklist of information to obtain regarding charter school facilities			
	Item	Contact Agency	Person Responsible
Federal and State Codes; Local Ordinances	• ADA compliance		
	• Fire safety compliance		
	• Building codes		
	• Land-use zoning and other regulations		
	• Other local ordinances		
Resources for loans, financing			
Contacts for city building inspectors			
Real estate agents (renting and leasing specifics)			
Insurance (property and liability)			
Janitorial services			

Tool III: References/Resources

Berman, P., Nelson, B., Perry, P., Silverman, D., Solomon, D., & Kamprath, N. (1999). *The state of charter schools: Third-year report. National study of charter schools*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement. Retrieved May 12, 2000 from the World Wide Web: www.ed.gov/pubs/charter3rdyear/title.html

Hassel, B. (1999). *Paying for the charter schoolhouse: A policy agenda for charter school facilities financing*. St. Paul, MN: Hamline University, Center for Policy Studies, Charter Friends National Network. Retrieved May 16, 2000 from the World Wide Web: www.charterfriends.org/facilities.html

Kardon, R. (1998). *Code check: A field guide to building a safe house* (2nd ed.). Newtown, CT: Taunton Press.

Klein, D., Owens-West, R., Cohen, J., & Ogden, D. (1999). *Accessing federal programs: A guidebook for charter school operators and developers*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement.

Leadership for Quality Education. (1997). Facilities/financing. In *Illinois charter school resource guide* (pp. 1-6). Chicago, IL: Author.

Lyons, J.B. (1999). *K-12 school construction facts: April 1999*. Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement, National Library of Education. Retrieved May 16, 2000 from the World Wide Web: www.edfacilities.org/ne/news5.html

Massachusetts Charter School Resource Center. (1997). Facilities. In *The Massachusetts charter school handbook* (3rd ed., pp. 39-44). Boston, MA: Pioneer Institute for Public Policy Research.

National Center for Education Statistics. (1999). *Issue brief: How old are America's public schools* (NCES No. 1999-048). Washington, DC: U.S. Department of Education, Office of Educational Research and Improvement. Retrieved May 16, 2000 from the World Wide Web: nces.ed.gov/pubs99/age.html

New York Charter School Resource Center. (n.d.). *Model guidelines for charter schools: School facilities*. Amityville, NY: Author. Retrieved May 16, 2000 from the World Wide Web: www.nycharterschools.org/school_facility.html

Premack, E. (1999, March). *Facilities 101*. Paper presented at the 1999 Charter Schools National Conference, Denver, CO.

U.S. Charter Schools. (n.d.). *Charter school discussion groups* [Online discussion groups]. San Francisco, CA: WestEd, & Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center. Retrieved May 16, 2000 from the World Wide Web: www.uscharterschools.org/gen_info/gi_discussions.htm

Tool IV: Web Sites

National Clearinghouse for Educational Facilities
Washington, DC
www.edfacilities.org
A resource on K–12 school facility planning, financing, design, construction, operations, and maintenance issues. NCEF is part of the U.S. Department of Education's Educational Resources Information Center (ERIC).

New York Charter School Resource Center
Amityville, NY
www.nycharterschools.org/technical.html
Technical Assistance: Setting Up a Charter School

U.S. Charter Schools
San Francisco, CA: WestEd, & Sacramento, CA: California State University, Institute for Education Reform, Charter Schools Development Center
www.uscharterschools.org/q_a/q&a.htm#finance
Questions & Answers: Finance/Legal

U.S. Department of Education
Washington, DC, Safe & Drug-Free Schools Program: News Updates
www.ed.gov/offices/OESE/SDFS/news.html
Reports on school safety issues and programs, some of which directly relate to school facilities, for example, the Annual Report on School Safety, and interagency Safe Schools/Healthy Students initiatives.

U.S. Department of Education
Washington, DC, FY 1999-2000 Discretionary Grant Application Packages
www.ed.gov/GrantApps/
List of currently open grant competitions with deadlines and application information. Some grants are for funding facility-related components.

American Society for Training and Development (ASTD)
Alexandria, VA
www.astd.org
ASTD provides leadership to individuals, organizations, and society to achieve work-related competence, performance, and fulfillment; convenes a number of specialized events to bring together professionals; offers products and services; and is one of the largest publishers in training, learning, and performance.

Creative Training Techniques International, Inc.
Minneapolis, MN
www.cttbobpike.com
Tips, tactics, and how-to's for delivering effective training.

Legal Status Issues

Variations of Legal Status

The exact legal status of charter schools depends on the specific terms of the state laws under which they are established. The three most common options are arm of the district, for-profit corporation, and nonprofit corporation. In many states, charter schools are highly independent legal entities with a legal status separate from that of the sponsoring agency. For example, Minnesota charter schools must be created as independent nonprofit or cooperative corporations. By contrast, Wisconsin charter schools generally must function as a legal arm of the district. Successful charter school developers need to be aware of the legal status options and obligations provided by their state's laws.

Importance of Legal Status

Schools need to establish their legal status in order to:

- Reflect an appropriate level of autonomy
- Hire, fire, and contract for services
- Be a fiscal and legal agent

Legal status affects a number of the business decisions a school makes. Charter schools need to be aware of procedures in contracting for services, liability issues such as personal liability, and laws and regulations that may vary depending on the legal status of the charter school. When a charter school has options for selecting a type of legal status, it is wise to obtain as much professional advice as possible in order to make the best decision for the school. Find out from other charter schools in your state what the advantages of a particular type of legal status may be. Always remember to consider the educational vision of the school. Different types of legal status may be necessary to achieve that vision.

Types of Legal Status for Charter Schools

Arm of the District

The legal status of a charter school that is legally a part of the sponsoring school district is often referred to as "arm of the district." These charter schools enjoy some autonomy granted by the district, but also have the extra protection of the school district's liability insurance and legal counsel. In charter schools that are considered an arm of the district:

- Powers are delegated by the school district governing board to a person (school operator) or public body (board of directors) charged with responsibility for managing the operations of the school

- Policies and procedures of the school district apply to the school unless waived by the terms of the charter or formal action of the school district governing board
- Employees of the school are employees of the school district
- The school district governing board or administration may issue directives to the school unless areas of unrestricted authority are expressly agreed upon in the charter or prescribed by statute

Another advantage of being an arm of the district is that collaboration with the district and other district schools is more likely to occur. The district may provide the charter school with special education, procurement, payroll and accounting, and other support services as agreed to in charter and/or contract agreements.

Disadvantages of being an arm of the district may include:

- Minimal ability to contract for special services needed
- Minimal ability to accept funds because the funding process usually goes through the district channels
- The school's autonomy may be limited
- The school district's collective bargaining agreement and salary schedule may apply to the employees of the school (some schools may see this as an advantage)

For-Profit Corporation

Some states allow charter schools to operate as private, for-profit businesses. In these cases the school is legally a business entity (i.e., corporation) independent from its sponsor (e.g., school district, university, state board of education). The school is, essentially, a private provider of a public service—education. Just like nonprofit corporations, a for-profit charter school is an autonomous organization with the legal authority to own property, contract, and incur liabilities. For-profit corporations do not qualify for tax-exempt status and may not receive tax-exempt donations. For-profit charter schools may not be eligible for certain types of grants. On the other hand, for-profit charters may enjoy more flexibility. A for-profit school has the ability to respond quickly to market needs and offer the most highly desired educational services. A for-profit charter school's relationship with its sponsor is defined by the terms of its charter. Typically, the school's governance structure is defined in the bylaws of the organization that holds the charter.

Nonprofit Corporation

Many charter schools have little or no choice about their legal status. Some states may require charter schools to operate as nonprofit corporations. Others choose to incorporate as a nonprofit organization so they can:

- Qualify for tax-exempt status and tax-exempt donations
- Have a governing board of directors and a CEO
- Have the ability to contract for services
- Obtain liability protection from the corporation

See Tool I: How Do We Become a Nonprofit Organization? (Page 61)

Steps to Establish and Define the Structure of a Nonprofit Corporation

This will vary depending on your state law and on the formal structure selected by your school's developers. Basic suggestions in forming a nonprofit organization include:

- Establish a school (corporate) name—make sure the one you choose is not taken
- Draft bylaws—bylaws outline how the school is to be governed and operated
- Draft and file articles of incorporation—this step may require an attorney to first review your bylaws and then help draft articles of incorporation; the articles of incorporation are formally filed with the secretary of state and establish the corporation as a legal entity
- File for tax-exempt status—may need to file with the state and federal government (see the following section for more information)

Tax-Exempt Recognition[1]

For charter schools, it is a good idea to apply as early as possible to the federal government and your state for tax-exempt status. Charter schools need this tax-exempt status for many reasons.

Advantages

- Foundations and other groups that you will approach for donations find it much easier to give to tax-exempt organizations
- Schools may receive a federal income tax exemption for revenues other than unrelated business income
- Schools may receive deductibility of contributions
- Schools may obtain more grant opportunities because of their eligibility status
- Schools may receive reduced postal rates
- Schools may receive employee benefit plans

Disadvantages

- Founders and investors cannot own any equity interest in the corporation.
- Employees can receive only "reasonable" compensation.
- Tax laws do not dictate size or composition of the board of directors, but court decisions indicate that a nonprofit corporation cannot be controlled by a single person or a small group of related persons. Founders may risk a loss of control.

1 Some information adapted from Pickrell, T. (1998, July). *Charter school legal and financial issues.*

Application Process—Items to Include

- Completed Form 1023-Application for Recognition of Exemption (can be found online at the IRS Web site: www.irs.ustreas.gov/prod/forms_pubs/forms.html)
- The school's articles of incorporation and bylaws
- A description of the school's activities
- Financial statements
- Fundraising activities descriptions

Charitable Contribution Fundraising

Schools and many nonprofit corporations are considered charitable organizations. As your school receives donations, it is important that you are aware of the Revenue Reconciliation Act of 1993. The burden for charitable organizations to report and substantiate charitable gifts has increased in two ways.

Charitable Gift Substantiation Requirement

- A donor taxpayer must obtain a written acknowledgment for any contribution of $250 or more from a charity
- A charitable organization is required to disclose certain information to a donor in a written statement for any "quid pro quo" contribution received by the organization that exceeds $75

Appraisal Requirements

- Mandatory appraisal on items in excess of $5,000

Tool I: How Do We Become A Nonprofit Organization?[2]

Forming A Nonprofit Organization: A Checklist

Every nonprofit organization must have a carefully developed structure and operating procedures in order to be effective at fulfilling its purpose. Good governance starts with helping the organization begin on a sound legal and financial footing in compliance with the numerous federal, state, and local requirements affecting nonprofits.

_____ **Determine the purpose of the organization.** Every organization should have a written statement that expresses its reason for being. Resources: board members, potential clients, and constituents.

_____ **Form a board of directors.** The initial board will help translate the ideas beyond the organization into reality through planning and fundraising. As the organization matures, the nature and composition of its board will also change. Resources: your secretary of state or state attorney general's office, professional organizations.

_____ **File articles of incorporation.** Not all nonprofits are incorporated. For those that do wish to incorporate, the requirements for forming and operating a nonprofit corporation are governed by state law. Resources: Your secretary of state or state attorney general's office.

_____ **Draft bylaws.** Bylaws—the operating rules of the organization—should be drafted and approved by the board early in the organization's development. Resource: an attorney experienced in nonprofit board.

_____ **Develop a strategic plan.** The strategic planning process helps you express a vision of the organization's potential. Outline the steps necessary to work toward that potential, and determine the staffing needed to implement the plan. Establish program and operational priorities for at least one year. Resources: board members, planning and management consultants.

_____ **Develop a budget and resource development plan.** Financial oversight and resource development (e.g., fundraising, earned income, and membership) are critical board responsibilities. The resources needed to carry out the strategic plan must be described in a budget and financial plan.

2 Checklist adapted from the National Center for Nonprofit Boards [online]. www.ncnb.org/askncnb/faq7.htm

_____ **Establish a record-keeping system for the organization's official records.** Corporate documents, board meeting minutes, financial reports, and other official records must be preserved for the life of the organization. Resources: your secretary of state or state attorney general's office.

_____ **Establish an accounting system.** Responsible stewardship of the organization's finances requires the establishment of an accounting system that meets both current and anticipated needs. Resource: certified public accountant experienced in nonprofit accounting.

_____ **File for an Internal Revenue Service determination of federal tax exempt status.** Nonprofit corporations with charitable, educational, scientific, religious, or cultural purposes have tax exempt status under section 501(c)(3)—or sometimes section 501(c)(4)—of the Internal Revenue Code. To apply for recognition of tax-exempt status, obtain form 1023 (application) and publication 557 (detailed instructions) from the local Internal Revenue Service office. The application is an important legal document, so it is advisable to seek the assistance of an experienced attorney when preparing it. Resources: your local IRS office, an attorney.

_____ **File for state and local tax exemptions.** In accordance with state, county, and municipal law, apply for exemption from income, sales, and property taxes. Resources: state, county, or municipal department of revenue.

_____ **Meet the requirements of state, county, and municipal charitable solicitation laws.** Many states and local jurisdictions regulate organizations that solicit funds within that state, county, or city. Usually compliance involves obtaining a permit or license and then filing an annual report and financial statement. Resources: state attorney general's office, state department of commerce, state or local department of revenue, or county or municipal clerk's office.

Other steps include obtaining an employer identification number from the IRS, registering with the state unemployment insurance bureau, applying for a nonprofit mailing permit from the U.S. Postal Service, and obtaining directors and officers liability insurance.

Briggs and Morgan. (1994, Fall). *Reporting and substantiation requirements increase for charitable contributions* [Newsletter]. St. Paul, MN: Author. Retrieved May 17, 2000 from the World Wide Web: www.briggs.com/charity.htm

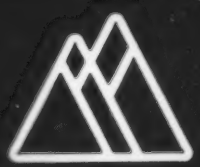
Pickrell, T. (1998, July). *Charter school legal and financial issues*. Paper presented at the meeting of the Charter School Leadership Training Academy, Portland, OR.

Additional Resource

National Center for Nonprofit Boards (NCNB)
Suite 510, 2000 L. Street, NW
Washington, DC 20036
(202) 452-6262
1-800-883-6262
Fax (202) 452-6299
www.ncnb.org.
NCNB's Board Information Center responds to inquiries on a range of topics affecting nonprofit boards. NCNB produces an extensive collection of published and unpublished materials on nonprofit governance. Other research resources include publications, audio and videocassette programs, teaching and training kits.

Web Sites

Internal Revenue Service (IRS)
Washington, DC
www.irs.ustreas.gov
This site includes information on tax statistics, tax information for businesses, electronic services, taxpayer help and education, tax regulations in English, IRS newsstand, forms and publications, and so forth. Most, if not all, forms are downloadable and may be filled out and turned in as official IRS forms.



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